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SCOTT HARSHBARGER
ATTORNEY GENERAL
COMMONWEALTH OF MASSACHUSETTS

GUIDEBOOK FOR CLERKS AND PLANNING BOARDS
SUBMITTING PROPOSED BY-LAWS TO THE ATTORNEY GENERAL

Revised February, 1991

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NOTICE TO READERS

The purpose of this Guidebook is to assist town clerks and planning boards in the submission of by-laws to the Attorney General for approval as required by G.L. c. 40, § 32 and G.L. c. 40A, § 5. Nothing in this Guidebook or the accompanying forms distributed to towns supersedes state or local law. Statutory citations contained in this Guidebook are for purposes of convenient reference only. This Guidebook does not purport to give legal advice or opinions on any matter. Town officials are urged to consult with town counsel on both procedural and substantive legal requirements for the adoption and amendment of by-laws.

Statutes are cited in this Guidebook in the form, "G.L. c. 40A, § 5." "G.L." refers to the Massachusetts General Laws (the principal collection of state statutes). "C. 40A, § 5" means "chapter 40A, section 5." Since statutes are frequently amended by the Legislature, check to make sure you are consulting the current version.

INTRODUCTION

This Guidebook and the submittal forms which accompany it are designed to provide a simple, clear set of procedures for submitting by-laws to the Attorney General for his approval. The Attorney General and the staff of the Municipal Law Unit hope that these materials will reduce much of the burden and confusion which clerks and planning boards have sometimes experienced in preparing the materials required by this office.

At the same time, we have tried not to inundate you with needless paper. Nearly all of the information collected on the submittal forms has always been required by the Attorney General. The major change initiated by the new forms is the way in which the information should be provided to us. Three methods for collecting information are used: (1) certifications by the town clerk or planning board, (2) checklists and (3) cover sheets to which other documents should be attached. By identifying the specific information needed and providing a simple way to supply it, we have tried to eliminate any guesswork and the need for extensive retyping.

The Attorney General reviews over 2,000 by-laws from over 300 towns in Massachusetts each year. By standardizing the process for submitting by-laws, the Attorney General and his municipal law staff hope to improve the service we provide to towns and expedite the by-law review process.

THE ATTORNEY GENERAL'S ROLE IN APPROVING TOWN BY-LAWS

The responsibility of the Attorney General to approve or disapprove town by-laws is established by statute, G.L. c. 40, § 32.^{1/} The Massachusetts Supreme Judicial Court has characterized the Attorney General's statutory role as a "limited power of disapproval." Amherst v. Attorney General, 398 Mass. 793, 795 (1986). Approval or disapproval of any by-law is based solely on issues of legality and occurs within 90 days of our receipt of all necessary documentation. The Attorney General has no authority to determine whether a by-law is wise, sensible or the best way to accomplish a particular objective. Concord v. Attorney General, 336 Mass. 17, 24 (1957).

The legal grounds upon which the Attorney General may disapprove by-laws fall into two general categories: procedural and substantive. Id. at 24. In the former, the Attorney General checks the town's compliance with all statutory requirements for enacting different types of by-laws. These procedural requirements are found in various state statutes and generally concern such matters as the timing and form of notice which must be given to the citizens of the town to advise them of the time, place and subjects to be considered at planning board hearings and town meetings,

^{1/} For a detailed discussion of the statute, see "G.L. c. 40, § 32 In Plain English" at pages 7-10 of this Guidebook.

the initiation and amendment of by-laws, and the necessary form and number of votes to approve articles on the warrant. A disapproval based solely on procedural defects does not address the legal sufficiency of the text of the proposed change. No assumption should be made that the text or substance of a proposed by-law has been implicitly approved when the disapproval is based upon procedural grounds.

The Attorney General's review of the substance of by-laws submitted to him for approval is guided by the Home Rule Amendment (article 89) to the Massachusetts Constitution. Section 2 of the Home Rule Amendment establishes a "Right of Local Self-Government":

"It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters, ... "

The Amendment also establishes, in section 6, the "Governmental Powers of Cities and Towns":

"Any city or town may, by the adoption, amendment, or repeal of local ordinances or by-laws, exercise any power or function which the general court [i.e. the Massachusetts Legislature] has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court ..."

Thus, the Attorney General may disapprove a town by-law on substantive grounds only if he finds that it is "inconsistent with the constitution or laws" of Massachusetts. The "laws" of Massachusetts include both statutes enacted by the Legislature and regulations promulgated by state agencies

acting pursuant to statutory authority. A town by-law is presumed to be valid unless it sharply conflicts with some constitutional, statutory or regulatory provision, or it hinders the achievement of a clearly identifiable purpose of state law. Amherst v. Attorney General, 398 Mass. 793, 795-797 (1986); Grace v. Brookline, 379 Mass. 43, 54 (1979).

The Attorney General's staff is often asked by town officials and private citizens about the legality of various town actions, proposed by-laws and other matters. In many instances, we must decline to give such legal advice. Pursuant to G.L. c. 12, § 3, the Attorney General may render legal advice and opinions to state officials and the heads of state agencies on matters pertaining to their official duties. He is not authorized to provide legal advice or opinions to town officials or private citizens or organizations, who must instead rely upon the advice of town or private counsel. However, please feel free to call us with your questions. We may be able to give you informal assistance, identify a particular statute or regulation where you or town counsel might find the answer, or refer you to someone who can answer your question.

WHEN WRITING OR CALLING THE ATTORNEY GENERAL'S OFFICE

The process of reviewing by-laws is time-consuming and involves much paper. We would appreciate it if you would keep the following in mind when you call or write:

1. Packages submitting by-laws to the Attorney General for approval should be mailed to:

Attorney General Scott Harshbarger
One Ashburton Place, Room 2019
Boston, MA 02108-1698

Attention: By-Laws

We recommend that you send your package by certified mail, return receipt requested, to verify that we received it.

2. Telephone calls concerning the status of by-laws sent to the Attorney General for review should be directed to:

Paralegal
Municipal Law Unit
617-727-2200

As a general rule, questions about (1) when you might expect the Attorney General to take final action on by-laws you have submitted and (2) requests we have sent you for further information should first be addressed to the paralegal.

3. When calling, please let us know the article numbers of the by-laws and the date of the town meeting. A follow-up letter from you can help us keep track of your request.

IMPORTANT STATUTES

There are three state statutes which answer most questions about the process for enacting and approving by-laws: G.L. c. 40, § 32, G.L. c. 40A, § 5, and G.L. c. 40C, § 3. This section of the Guidebook provides a simple explanation of the main parts of each statute. A copy of each is included in the Appendix.

G.L. c. 40, § 32 In Plain English

G.L. c. 40, § 32 is the statute which establishes the general procedures for submitting by-laws to the Attorney General for approval.

Necessity of Attorney General's Approval. Before a by-law takes effect, ^{2/} one of two things must happen after the town meeting votes to approve it: either (1) the Attorney General approves the by-law or (2) 90 days elapse before the Attorney General approves or disapproves the by-law.^{3/}

In general, then, the Attorney General has 90 days to take final action on by-laws submitted to him. If he fails to act within that time, the by-law automatically becomes effective without his approval.

Review period. However, the 90-day period does not begin to run until "after the clerk of the town ... has submitted to the attorney general ... adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with." G.L. c. 40, § 32. In cases where the material submitted to the Attorney General with the by-law is not complete, the Attorney General may send a written

^{2/} Zoning by-laws are governed by G.L. c. 40, § 32, except to the extent that G.L. c. 40A, § 5 (part of the Zoning Act) provides a different procedure. See pp. 10-14 for a discussion of G.L. c. 40A, § 5.

^{3/} In addition, by-laws approved by the Attorney General must be posted and published before they take effect. See this section pp. 9-10.

request to the clerk during the initial 90-day period for additional documentation. The 90-day period is then recomputed from the date the Attorney General receives the requested materials. If the Attorney General does not make such a request, "it shall be presumed that the proof submitted [by the clerk] was adequate."

Time for submitting by-laws to the Attorney General.

The statute also specifies the time within which by-laws should be submitted to the Attorney General. The request for approval of by-laws and the supporting documentation should be submitted by the town clerk within 30 days after final adjournment of the town meeting at which the by-law was adopted. That is, all by-laws of the same town meeting should be submitted together (within 30 days after the town meeting was finally adjourned), even if some of the by-laws were adopted on different nights ("adjourned sessions") of the same town meeting. If the town clerk fails to submit the by-laws within the 30-day period, then the selectmen, within 15 days thereafter, may submit the by-laws to the Attorney General (together with the same proof of procedural compliance, i.e. the forms and requested documentation).

Notice of the Attorney General's Decision. If the Attorney General disapproves a by-law, he must state in writing the reasons why the by-law was disapproved. If the Attorney General fails to approve or disapprove a by-law within the 90-day period (see above), the by-law becomes

effective automatically. In that event, the statute directs the clerk "to enter in his records a statement that the by-law has become effective by reason of such failure of the Attorney General to act." Before doing so, the clerk should contact the Attorney General's office to verify that the 90-day period has expired. If it has, we will send written confirmation for the clerk's files.

Posting and/or Publication. Finally, c. 40, § 32 establishes certain posting and publication requirements which must be satisfied after a by-law is approved by the Attorney General. By-laws do not take effect until they are posted and published, even though they have been approved by the Attorney General. ^{4/} There are three methods which are authorized by the statute. The methods are alternatives; any one of them is sufficient.

- (1) The clerk may publish the by-laws which have been approved by the Attorney General in a "town bulletin or pamphlet." Copies of the bulletin or pamphlet must be posted in at least five public places in the town. If the town is divided into precincts, then copies of the bulletin or pamphlet must be posted in at least one public place in each precinct.
- (2) The bulletin or pamphlet may be published in a newspaper of general circulation in the town. The bulletin or pamphlet must be published at least twice and the publications must be at least one week apart.
- (3) Notice of the by-laws which have been approved by the Attorney General may be given by delivering a copy of them "at every occupied dwelling or apartment in the town." Affidavits of the persons who delivered the copies of the by-laws, filed with the town clerk, are "conclusive evidence" that proper notice was given.

^{4/} The effective date of zoning by-laws is covered by G.L. c. 40A, § 5. See p.13.

There is one additional publication requirement for zoning by-laws under G.L. c. 40, § 32. The publication must include (1) a statement that any claims that a zoning by-law is invalid because of a defect in the procedure by which the by-law was adopted or amended may only be made within 90 days of the posting or of the second publication of the town bulletin or pamphlet and (2) a statement indicating where copies of the by-law may be examined and obtained.

G.L. c. 40A, § 5 In Plain English

Chapter 40A is known as "The Zoning Act." Section 5 of the Act establishes the procedures for adopting and changing zoning by-laws. Such by-laws may not be adopted, amended or repealed unless the procedures contained in § 5 are followed.

How zoning by-laws are initiated. The adoption or change of a zoning by-law is initiated by submitting the proposed by-law to the board of selectmen. Within fourteen days after receiving a proposed zoning by-law, the board of selectmen must submit it to the planning board for review.

Who may initiate zoning by-laws. The following may initiate the adoption or change of zoning by-laws: (1) the board of selectmen, (2) the board of appeals, (3) an individual who owns land which would be affected by the change or adoption, (4) registered voters of the town acting pursuant to G.L. c. 39, § 10, (5) the planning board, (6) a regional planning agency, and (7) any other method provided in the town charter.

Planning board hearing. No zoning by-law or amendment of a zoning by-law may be adopted until the planning board has held a public hearing to give interested persons an opportunity to be heard on the proposal. The hearing must be held within 65 days after the proposed by-law is submitted to the selectmen.

Notice of the planning board hearing. Notice of the public hearing must be published in a newspaper of general circulation in the town once in each of two successive weeks. The first publication must be "not less than fourteen days before the day of" the hearing. ^{5/} The newspaper notice must include (1) the date and place of the hearing, (2) the subject matter of the hearing, described in a form which is "sufficient for identification," and (3) the place where texts and maps of the proposals may be inspected.

Notice of the public hearing must also be mailed, postage prepaid, to all of the following: (1) the Department of Community Affairs, (2) the regional planning agency (if any), and (3) the planning boards of all abutting cities and towns. Notice must also be mailed to nonresident property owners who file an annual request for such notice with the town clerk no

^{5/} For example, an advertisement for a hearing scheduled for the 20th day of the month must first appear in the newspaper on or before the 6th day of the month. An advertisement that appears on the 7th day would be only 13 days notice and the by-law would be disapproved. See Hallenborg v. Town Clerk of Billerica, 360 Mass. 513 (1971).

later than January 1st and pay a reasonable fee as established by town by-law. Finally, the notice also has to be posted in a conspicuous place in the town hall for a period of not less than fourteen days before the day of the hearing.

When may the town meeting vote. The town meeting may not vote on a proposed zoning by-law until either (1) the planning board submits a written or oral report presenting its recommendations on the proposal to the town meeting or (2) the planning board issues no report and at least 21 days have elapsed between the planning board hearing and the town meeting. If a town meeting fails to vote to adopt a proposed zoning by-law within six months after the planning board hearing, no town meeting action may be taken on the proposal until a subsequent planning board hearing is held. Such a subsequent planning board hearing must again comply with the notice and report requirements described above.

Number of votes required. No zoning by-law shall be adopted or changed except by a two-thirds vote of the town meeting.

Previously rejected zoning by-laws. A zoning by-law which has been unfavorably acted upon by a town meeting may not be considered again by the town meeting within two years after the date of such unfavorable action unless the planning board makes a final written or oral report recommending the adoption of such proposed by-law.

Submission to the Attorney General. Zoning by-laws must be submitted to the Attorney General as required by G.L. c. 40, § 32. The clerk should also provide the Attorney General with a statement explaining the by-laws. The statement of explanation may be prepared by the planning board and it may be accompanied by explanatory maps or plans. After approval by the Attorney General, the clerk must send a copy of the latest effective zoning by-law to the Department of Community Affairs.

Effective date. The effective date of the adoption or amendment of any zoning by-law is the date on which it was voted by the town meeting; if publication in a town bulletin or pamphlet, posting or publication in a newspaper is subsequently done. However, if the Attorney General subsequently disapproves a zoning by-law, then the old by-law is deemed to have remained in effect. If the Attorney General disapproves only part of a zoning by-law, the part which has been approved takes effect from the date of the town meeting vote; the old by-law would remain in effect with respect to those portions of the new (proposed) by-law which were disapproved by the Attorney General.

Legal action. No claim may be made in any legal proceeding arising out of any possible defect in the procedure by which a zoning by-law was adopted or amended unless legal action is commenced within the time specified in G.L. c. 40, § 32. No state, regional, county, or municipal officer may

refuse, deny or revoke any permit, approval or certificate because of any such claim of procedural invalidity unless legal action is commenced within that time. A notice must be filed in the town clerk's office within seven days after the commencement of the legal action, specifying the court, the parties, the invalidity claimed, and the date the action was filed.

G.L. c. 40C, § 3 In Plain English

G.L. c. 40C is known as "The Historic Districts Act." Section 3 of the Act establishes procedures for the adoption and amendment of historic district by-laws.

Preliminary report. The historic district study committee or the historic district commission (see G.L. c. 40C, §§ 3 and 4) must first conduct an investigation and make a report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed district(s). Copies of the report must be provided to the town planning board and to the Massachusetts Historical Commission.

Public hearing. The study committee must hold a public hearing on its report within 60 days after the report is transmitted. Notice of the hearing must be given at least 14 days prior to the date of the hearing, including mailed written notice, postage prepaid, to the owners (as shown on the most recent real estate tax list of the board of assessors) of all properties to be included in the district(s).

Final report. After the hearing, the committee must submit a final report to the town meeting. The final report must contain (1) the committee's recommendations, (2) a map of the proposed district(s), and (3) a draft of a proposed by-law.

Vote. A two-thirds vote of town meeting is necessary to adopt a historic district by-law.

Filing and recording of map. Once a historic district by-law is approved by the Attorney General, it does not go into effect until the map showing the boundaries of the district has been filed with the town clerk and recorded in the registry of deeds.

Amendments of historic district by-laws. Proposed amendments of existing historic district by-laws must be submitted first to the historic district commission for its recommendation. The town meeting may vote on the amendments after the commission has issued its report on the proposal or after 60 days have elapsed without such a recommendation by the commission. A two-thirds vote of town meeting is required.

EXPLANATION OF THE SUBMITTAL FORMS

Introduction

The forms supplied with this Guidebook should be used to submit by-laws for review by the Attorney General. As each form contains spaces for the name of the town and the date the town meeting convened, you do not need to retype the forms on town stationery (unless you want to). If you do decide to

retype any or all of the forms, please be sure to include all of the requested information.

When filling the forms in, typing is preferred, but legible printing or handwriting is acceptable. Please fill in every space provided for information. If the question is not applicable to your situation, please state "none" or "NA".

In order to keep the amount of paper coming into the Attorney General's office to a minimum, please do not send additional "cover sheets" unless necessary. If you do not have any of the information requested on Forms 3, 8, 9, or 10, please do not include them in the package you mail us. Paper size should be 8 1/2 inches by 11 inches whenever possible.

Finally, we ask that attached documents be stapled to the applicable form, if possible. Paper clips, yellow stickers and the like should be kept to a minimum.

Form 1: Cover Letter. The first form is a cover sheet requesting the Attorney General to review specified by-laws. The information requested allows the Attorney General to determine exactly what he is being asked to do.

The first three items identify the legal meeting which enacted the by-laws. Item 1 identifies whether the by-laws were enacted at an annual or special town meeting. The by-law votes of each town meeting should be the subject of a separate submittal (i.e., separate set of forms and attachments).

Please do not send by-laws enacted by two or more town meetings in the same package. Items 2 and 3 give the dates of the first and subsequent sessions of the meeting, respectively.

Item 4 lists the numbers of the warrant articles for the by-laws which were voted by the town meeting and which you want the Attorney General to approve. Please group the article numbers in the appropriate category: zoning, historic district or general. No article should be listed in more than one category.

Item 5 lists the numbers of the warrant articles which have maps (zoning or historic district) requiring approval by the Attorney General.

Items 6 and 7 (name, address and phone number of the town counsel and clerk) will enable us to contact you and your town counsel quickly if we have any questions or need additional information. The clerk should remember to sign the cover letter in the space indicated.

Form 2: Final By-Laws As Voted by Town Meeting. The documents attached to Form 2 are the substantive documents that the Attorney General will actually approve or disapprove (we'll call them "the final by-laws."). Two certified copies of each final by-law must be attached to Form 2. After the Attorney General takes action on the articles submitted to him, we will send you (1) a cover letter from an Assistant Attorney General stating whether the final by-laws have been approved or disapproved (if the latter, an explanation will be given), (2) an "endorsement" signed by the Attorney General, and (3) one certified copy of each final by-law for your records. Thus, the documents to be attached to Form 2 are the

most important information for the approval of by-laws by the Attorney General.

The function of this form is to obtain two identical copies of the actual legal document which constitutes a by-law of the town. It is therefore extremely important that there is an official document which accurately records the by-law as finally voted upon in case there is any question about its language, the date it took effect, or related matters. Even if your town prints a booklet containing all current by-laws, you should retain a separate file of the final by-laws together with the document ("the endorsement") showing the formal approval or disapproval of the Attorney General.

As Form 2 shows, there are three elements which every final by-law must contain: (1) the date the town meeting actually voted on the article, (2) the complete final text of the article, including any floor amendments and (3) the final vote of the town meeting. If any of these three elements are not shown on the final by-law itself, we will have to ask you to send us two new certified copies of the final by-law which contain all of the requested information. To repeat: all of the formalities are necessary because this is the actual legal document which the town will be enforcing once it becomes effective.

Most by-laws require only a majority vote of town meeting for passage. Zoning by-laws (G.L. c. 40A, § 5) and historic

district by-laws (G.L. c. 40C, § 3) require two-thirds votes.^{6/} If a two-thirds (or more) vote is required, the actual vote count must be given, unless the vote is unanimous. G.L. c. 39, § 15. If the final by-laws attached to Form 2 do not show the actual vote count when it is required, we will have to ask you for two new certified copies of the final by-law which shows the actual count. If the actual vote count is not available (or was not taken at the town meeting), the Attorney General will disapprove the by-law. If a majority vote is sufficient, the final vote may be shown as "a majority," "unanimous," or by the actual count.

As noted on Form 2, it would be helpful to submit each final by-law on a separate piece of paper. If this is done, we can send back by-laws as soon as they have been approved and retain any others which require more time for review.

Examples of final by-laws which satisfy the three requirements on Form 2 are included in the appendix. Unacceptable final by-laws include simple lists showing the number of votes next to each article number (without the final text of the by-law), the "minutes" of the town meeting (unless they show all the information requested on Form 2), by-laws that are not certified, and floor amendments which are

^{6/} This is not an exhaustive list of the types of by-laws which require more than a majority vote.

separate from the by-laws to which they relate. ^{7/} Form 3:

Maps: Zoning and/or Hitoric District. Form 3 is a cover sheet to which two certified copies of each zoning and historic district map may be attached. Both G.L. c. 40A, § 4 (of the Zoning Act) and G.L. c. 40C, § 3 (of the Historic Districts Act) require that official maps be prepared showing the boundaries of the districts established by town by-law. The Attorney General approves zoning and historic district maps submitted to him pursuant to G.L. c. 40, § 32. However, you do not have to send us a map for every zoning article: only when the town meeting votes to add a new district or change the boundaries of existing zoning or historic districts must a map be submitted to the Attorney General for approval.

Maps should show each area in color which is the subject of a proposed by-law being submitted to the Attorney General and each such area should be labeled with the article number to which it refers. A zoning map may be used to show the boundaries of one or more historic district(s), provided the districts are properly marked in color and labeled with the article number. While we have found that coloring is the best way to identify the different districts clearly, a map will not be disapproved if its districts are not marked in color,

^{7/} "Floor amendments" refer to changes in the proposed by-law which were made at the town meeting after the warrant was printed. The term does not include amendments to existing by-laws where the entire amendment was printed in the warrant and no changes were made to it at town meeting. The "complete final text" of the latter type of amendment is simply the warrant article itself.

as long as the boundaries of the different districts are clearly delineated.

Large, bulky maps are difficult to handle and take up file space. Whenever possible, maps should be 8 1/2 inches by 11 inches. Where larger maps are necessary (either because readability requires a larger size or that's all you have), we prefer maps no larger than 24 inches by 36 inches or other sized maps which can be easily folded to fit into a standard file folder. Maps which must be rolled (even if enclosed in cardboard cylinders) should not be used unless there is absolutely no alternative.

If there are no maps to go with the by-laws submitted to the Attorney General, Form 3 need not be included in the package you mail to us.

Form 4: Town Meeting Certification. This form and its attachments allow us to determine whether the town meeting itself was properly convened.

Item 1 asks the clerk to certify that the quorum requirement for town meeting was satisfied. If your town has no quorum requirement, write "0" (zero) in the blank, but still sign your name in the space provided.

Item 2 asks the clerk to certify that the warrant was properly "served" and that proper notice of any adjournments was given. G.L. c. 39, § 10 requires that the warrant be served at least seven days before the annual town meeting and at least fourteen days before a special town meeting. The

warrant must be served in accordance with any applicable town by-law or a previous vote of the town or any procedure previously accepted by the Attorney General. Notice of adjournments must comply with any applicable town by-law or previous town meeting vote.

The certified attachments to Form 4 serve to verify and document the town's compliance with the legal requirements for calling a town meeting. The "opening of the warrant" shows the date and place for which the meeting was called; it is usually the first paragraph of the warrant. The "closing of the warrant" shows the members of the Board of Selectmen, the date they issued the warrant and the manner in which they ordered that the warrant be served. It is usually the last paragraph of the warrant. The "officer's return of service" shows the date of service of the warrant and the date and place(s) the warrant was posted, and any other information which may be required by town by-law.

As explained previously, "floor amendments" refer to changes in the proposed by-law which were made at the town meeting after the warrant was printed. The term does not include amendments to existing by-laws where the entire amendment was printed in the warrant and no changes were made to it at town meeting. The Attorney General will compare the original article and the floor amendment to determine whether the floor amendment substantially changed the "subject matter" of the original article as contained in the warrant. See G.L. c. 39, § 10.

Each floor amendment attached to Form 4 must be certified and show (1) the number of the warrant article to which the amendment referred, (2) the full text of the amendment, and (3) the vote taken by the town meeting on the proposed amendment (e.g. "a majority," "unanimous," or the actual vote count).

Form 5: Existing By-Laws Being Amended. This form requests that you send us one certified copy of each existing by-law being amended "if the substance of the proposed amendment is not readily understandable from the language of the article in the warrant." This information can be extremely helpful to us in reviewing new amendments to previously approved by-laws. As the determination of whether the new by-law is "readily understandable" on its own is one which will require the clerk to exercise his or her judgment, some further explanation may be useful.

Most by-laws are self-explanatory. Sometimes, however, a new by-law simply makes minor changes in an old by-law, such as changes in the uses permitted or minimum lot size in a certain zoning district. However, a proposed by-law which simply says, for example, "Change the designation in Table 15 (RA) under 'Uses Permitted' from 'P' to 'SP'" is virtually incomprehensible to us unless we have a copy of the existing by-law to which the proposed change relates.

Another common situation where submitting a copy of the existing by-law would be helpful is a new by-law which

primarily recodifies or rearranges a large by-law which the Attorney General has previously approved. Very often, the new by-law makes few or no substantive changes in the old by-law. If the clerk can provide us with a copy of the old by-law, we can compare the two rather than start from scratch. It would be especially helpful if you would mark the old by-law to show which sections are being amended by the new by-law and which are staying the same. Not only will this enable us to review a large by-law much faster, it will also increase the likelihood that the Attorney General will approve the by-law.

Form 6: Zoning Articles Procedures. This form enables us to verify quickly that the town has complied with the procedural requirements of G.L. c. 40A, § 5 for the enactment of zoning by-laws. Item 1 asks the town clerk to certify the names of the members of the Planning Board.

Items 2 through 4 relate to certain statutory requirements concerning the time within which various actions on zoning by-laws must take place. For example, G.L. c. 40A, § 5 requires that the planning board must hold a public hearing within 65 days after it receives a proposed zoning by-law and the town meeting must vote to approve the by-law within six months after the planning board's hearing. Item 2 asks you to list the date of the planning board hearing and the date of the town meeting vote for each zoning article. If several articles were considered at the same hearing and approved at the same session (i.e. the same night) of the town meeting, you may list all such articles on one line.

Item 3 asks whether the planning board submitted an oral or written report to the town meeting containing its recommendations on the various zoning articles. If a written report was submitted, it should be attached to Form 6.

Item 4 asks whether the town meeting rejected any zoning article within the past two years which is now being submitted to the Attorney General. If so, please identify the articles in question and state whether the planning board recommended in its oral or written report that the town meeting adopt such by-laws.^{8/}

Form 7: Zoning Procedures Attachments. This form is both a check list and a cover sheet to which three certified documents should be attached. Please place a check mark next to each item in the space provided. The three attachments are:

- (a) a copy of the published notice of the planning board's public hearing, showing (1) both dates of publication, (2) the name of the newspaper, and (3) the number of the warrant article to which each item in the notice relates; ^{9/}

^{8/} G.L. c. 40A, § 5 states that "[n]o proposed zoning ... by-law which has been unfavorably acted upon by a ... town meeting shall be considered by the ... town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ... by-law is recommended in the final report of the planning board."

^{9/} G.L. c. 40A, § 5 states that "[n]otice of the time and place of [the planning board's] public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing."

- (b) a certificate from the planning board stating that notice of its public hearing was posted in a conspicuous place in the town hall at least 14 days before the day of the hearing;
- (c) a certificate from the planning board that notice of its hearing was sent by prepaid mail to the persons and agencies listed on the form.

Form 8: Relevant Laws. The information requested on this form is not mandatory, but if it is available, it will both speed our review of the by-laws submitted to us and increase the chances for approval. If you do not have any of the requested information, please do not include this form in the package you send to us.

Acceptance statutes. Numerous state statutes authorize towns to enact certain types of by-laws, but only if the town votes to "accept" the statutory guidelines. See, for example, G.L. c. 140, § 147A (authorizing by-laws concerning the regulation of dogs) and G.L. c. 40, § 57 (authorizing by-laws denying local permits upon failure to pay local taxes). Before the Attorney General can approve a by-law based upon an "acceptance statute," we need proof that the town voted to accept the statute. If you submit any such by-laws to the Attorney General, please attach proof of the town's vote of acceptance to Form 8; it will save us from requesting it from you later.

Questions about acceptance statutes may be directed to:

Commissions Section
Office of the Secretary of State
One Ashburton Place, Room 1703
Boston, MA 02108
617-727-2836

Relevant statutes or regulations. Assuming that the by-laws submitted to us have complied with all applicable procedural requirements, the Attorney General's principal function is to determine whether by-laws approved by a town meeting conflict with state law. This is a time-consuming process, since we are attempting to prove a negative proposition: that there is no state statute or regulation with which the by-law conflicts. Our review will proceed much faster and the chances of approval will be greatly improved if the town provides us with a citation or copy of any state laws which, in the town's opinion, authorize enactment of the by-law in question. This information would be especially useful in the case of "special acts" which apply only to your town, as such statutes are harder to find through normal methods of legal research. Please write the article number and citation of the statute or regulation in the space provided, or attach a copy to Form 8.

Form 9: Historic District Procedures. This form enables us to verify quickly that the town has met the procedural mandates of G.L. c. 40C, §3. Item 1 asks the town clerk to certify the names of the members of the Historic District Study Committee/Historic District Commission.

Item 2 asks for the date of the relevant public hearing and date of town meeting vote on the historic district by-law(s).

Form 10: Historic District Attachments. This check list form requests that four certified documents be attached to it. The documents specified are those necessary for compliance with the procedures set forth in G.L. c. 40C, § 3. The Historic District Study Committee or Historic District Commission should assist the town clerk in obtaining the requested documentation.

SPECIAL BY-LAWS

Blasting and underground storage tanks. Pursuant to G.L. c. 148, § 9, towns are authorized to enact by-laws regulating blasting operations, or the use, handling, transportation and storage of explosives and inflammable materials. By-laws regulating blasting operations or dynamite or gunpowder must be approved by the Attorney General and must also be submitted to the Massachusetts Board of Fire Prevention Regulations within ten days after passage for the Board's approval. A copy of all by-laws regulating storage and transportation of inflammable liquids, such as underground storage tank by-laws, must be submitted to the Board, although the Board's approval is not required. Please send a copy of any correspondence with the Board showing proof of compliance with G.L. c. 148, § 9, when you submit your by-laws to the Attorney General.

Personnel by-laws. Pursuant to G.L. c. 41, § 108A and G.L. c. 41, § 108C, personnel by-laws and amendments thereto are not subject to the approval of the Attorney General.

Boating and-great ponds. Two types of by-laws require the approval of the Director of the Division of Law Enforcement within the Department of Fisheries, Wildlife and Environmental Law Enforcement in the Executive Office of Environmental Affairs, in addition to the approval of the Attorney General: (1) by-laws enacted by one town or jointly with another town concerning the operation and maintenance of vessels and related activities on the waters of the Commonwealth (G.L. c. 90B, § 15), and (2) by-laws affecting great ponds not exceeding five hundred acres that concern boating, speed limits, a limitation on engine horsepower, a prohibition on the use of internal combustion engines, a ban on water skiing and other high speed uses and a limitation of such uses to certain areas and certain times (G.L. c. 131, § 45).

Since the Director's review encompasses matters of policy and uniformity throughout the Commonwealth, persons contemplating by-laws concerning these subjects should discuss the issues involved with the Director's field representatives before the town meeting votes on them. Such boating by-laws should be forwarded to the Director for his approval immediately after final adjournment of the town meeting. Both the Director's approval and the Attorney General's approval are required before such by-laws may be enforced.

Fire district by-laws. Pursuant to G.L. c. 48, § 77, a by-law adopted by a fire district imposing a penalty must be approved by the Attorney General and published at least three times in one or more town newspapers, or, if there is no such town newspaper, then in one or more newspapers published in the county where the fire district is situated. Fire district by-laws which do not impose penalties need not be submitted to the Attorney General.

Charters and charter amendments. A proposal to adopt or amend a home rule charter must comply with G.L. c. 43B, the Home Rule Procedures Act, and must be submitted to the Attorney General for his opinion of its conformity with the constitution and laws of the Commonwealth. The town's request for the Attorney General's opinion should contain documentation showing compliance with the requirements of that statute.

APPENDIX

40:32. By-Laws; Approval by Attorney General; Procedure upon Failure to Approve; Publication, etc.

Section 32. Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, before a by-law takes effect it shall be approved by the attorney general or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within thirty days after final adjournment of the town meeting at which such by-law was adopted. If the town clerk fails to so submit such request and proof within such thirty days, the selectmen, within fifteen days thereafter, may submit a certified copy of such by-law with a request for its approval, a statement explaining the proposed by-law, including maps and plans, if necessary, and adequate proof that all procedural requirements for the adoption of such by-law has been complied with. If the attorney general does not, within said ninety days, request of such town clerk in writing further proof of such compliance stating specifically wherein such proof is inadequate, it shall be presumed that the proof submitted was adequate. If the attorney general disapproved a by-law he shall give notice to the town clerk of the town in which the by-law was adopted of his disapproval, with his reasons therefor. If a by-law of a town takes effect by reason of the failure of the attorney general to seasonably act upon a request for its approval, the clerk of such town shall enter in his records a statement that the by-law has become effective by reason of such failure of the attorney general to act. Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town. The publication of a zoning by-law shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication and a statement indicating where copies of such by-law may be examined and obtained. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newspapers, as above, may be dispensed with if notice of the by-laws is given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

40A:5. Procedure for Adoption or Change.

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of community affairs, the regional planning agency, if any, and to the planning board of each abutting cities and towns. The department of community affairs, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is

40A:5.

sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently

40A:5.

disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote.

After approval of zoning by-laws by the attorney general, or adoption of zoning ordinances by the city council, a copy of the latest effective zoning ordinances or by-laws shall be sent by the city or town clerk to the department of community affairs. A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

40C:3. City or Town May Establish Historic Districts; Procedure; Enlargement or Reduction of District; Amendment to Ordinances and By-Laws.

Section 3. A city or town may, by ordinance or by-law adopted by two-thirds vote of the city council in a city or by a two-thirds vote of a town meeting in a town, establish historic districts subject to the following provisions:— Prior to the establishment of any historic district in a city or town an investigation and report on the historical and architectural significance of the buildings, structures or sites to be included in the proposed historic district or districts shall be made by an historic district study committee or by an historic district commission, as provided in this section and in section four, who shall transmit copies of the report to the planning board, if any, of the city or town, and to the Massachusetts historical commission for their respective consideration and recommendations. The buildings, structures or sites to be included in the proposed historic district may consist of one or more parcels or lots of land, or one or more buildings or structures on one or more parcels or lots of land. The Massachusetts historical commission may consult with the commissioner of commerce and development, the secretary of communities and development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission. Not less than sixty days after such transmittal the study committee shall hold a public hearing on the report after due notice given at least fourteen days prior to the date thereof, which shall include a written notice mailed postage prepaid, to the owners as they appear on the most recent real estate tax list of the board of assessors of all properties to be included in such district or districts. The committee shall submit a final report with its recommendations, a map of the proposed district or districts and a draft of a proposed ordinance or by-law, to the city council or town meeting.

An historic district may be enlarged or reduced or an additional historic district in a city or town created in the manner provided for creation of the initial district, except that (a) in the case of the enlargement or reduction of an existing historic district the investigation, report and hearing shall be by the historic district commission having jurisdiction over such historic district instead of by a study committee; (b) in the case of creation of an additional historic district the investigation, report and hearing shall be by the historic district commission of the city or town, or by the historic district commissions acting jointly if there be more than one, instead of by a study committee unless the commission or commissions recommend otherwise; and (c) if the district is to be reduced written notice as above provided of the commission's hearing on the proposal shall be given to said owners of each property in the district.

Any ordinance or by-law creating an historic district may, from time to time, be amended in any manner not inconsistent with the provisions of this chapter by a two-thirds vote of the city council in a city or by

a two-thirds vote of a town meeting in a town, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

No ordinance or by-law creating an historic district, or changing the boundaries of an historic district, shall become effective until a map or maps setting forth the boundaries of the historic district, or the change in the boundaries thereof, has been filed with the city clerk or town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located, and the provisions of section thirteen A of chapter thirty-six shall not apply.



TOWN OF SWAMPSCOTT
OFFICE OF THE
CLERK — COLLECTOR — TREASURER

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE
SWAMPSCOTT, MASSACHUSETTS 01907

JACK L. PASTER
CLERK — COLLECTOR — TREASURER
JUSTICE OF THE PEACE
NOTARY PUBLIC
595-1646
592-1695

COPY OF VOTE PASSED UNDER ARTICLE 23
AT THE ADJOURNED ANNUAL TOWN MEETING OF 1987.

ARTICLE 23. To see if the Town will vote to amend the General By-Laws of the Town of Swampscott by adding thereto a new section to Article III (Town Finances) as follows:

Section 8. All past due taxes, fees, assessments or any other municipal charge shall be paid in full prior to the issuance, renewal or transfer of any license or permit issued by any board, officer or department for any person, corporation or business enterprise who has neglected or refused to pay said tax, fee, assessment or any other municipal charge, or take any action relative thereto.

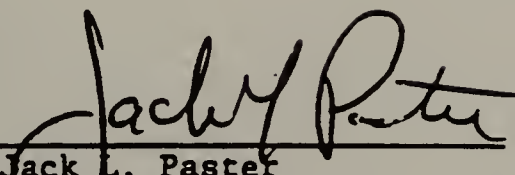
Sponsored by the Tax Collector/Treasurer.

Voted Article 23. That the Town amend the General By-Laws of the Town of Swampscott by adding thereto a new section to Article III (Town Finances) as follows:

Section 8. Chapter 640 of the Acts of 1985, Commonwealth of Massachusetts, is hereby made a part of the Swampscott General By-Laws.

Date: 5/5/87

A true copy. Attest:


Jack L. Paster
Clerk of Swampscott

☒ Unanimous Vote
☐ Majority Vote
☐ Vote:



TOWN OF TISBURY

P.O. BOX 606
VINEYARD HAVEN, MA 02568

617-693-4200

Office of Town Clerk

The following is a copy of the final vote taken under Article 27:

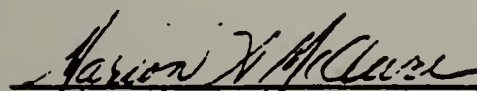
At a legal meeting of the qualified voters of the Town of Tisbury held on June 2, 1987 and the adjourned session held on June 3, 1987, the following business was transacted under Article 27:

Acting on Article 27 the Town voted Yes-74, No-27 to amend the Zoning Map, and Zoning By-law references in accordance therewith, so as to:

- A. Change the district designation from R-50 (minimum lot area 50,000 square feet) to R-3-A (minimum lot area three acres) in the area west of the Tisbury Water Works property at the head of Lake Tashmoo (Tashmoo Pumping Station and Tashmoo Overlook), west of Lake Tashmoo, north of the Tisbury-West Tisbury State Road, and north of the Lambert's Cove Road; an area also known as "Tashmoo West".

VOTED: 74 YES
27 NO

A true copy,
Attest:



Marion A. McClure
Tisbury Town Clerk

Town of North Reading

Massachusetts

01864



Elections
Notary Public
Justice of the Peace

664-5731 ext. 314
311

Betty J. Vullo, CMC
Town Clerk

THE COMMONWEALTH OF MASSACHUSETTS

October 1987 Town Meeting

North Reading

Warrant

October 5, 1987

8:00 P.M.

Middlesex, S.S.

To either of the Constables of the Town of North Reading in the
County of Middlesex, GREETING.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby
directed to notify and warn the inhabitants of said Town, qualified to vote
in Town affairs, to meet at the Daniel H. Shay Auditorium, North Reading
High School, Park Street, in said North Reading, on MONDAY, the FIFTH DAY OF
OCTOBER, 1987, at eight o'clock in the evening, then and there to act on the
following articles:--

A TRUE COPY ATTEST:

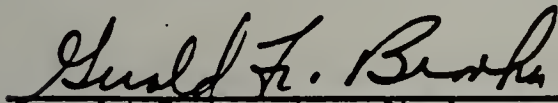
Betty J. Vullo

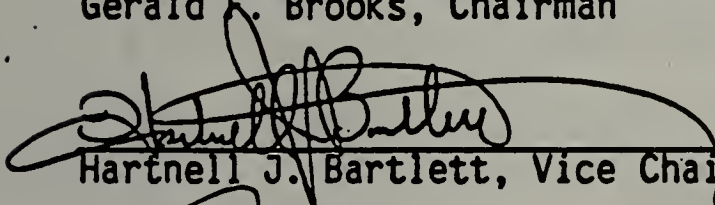
BETTY J. VULLO, Town Clerk
NORTH READING, MA 01864

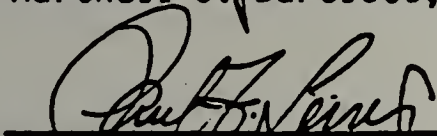
And you are directed to serve this Warrant, by posting up attested copies thereof at two conspicuous places in each of the four precincts in said Town, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, as aforesaid.

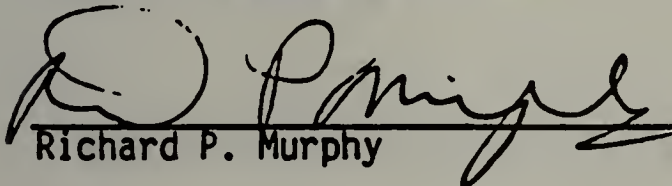
Given under our hands this tenth day of September in the year of our Lord one thousand nine hundred and eighty-seven.


Gerald F. Brooks, Chairman

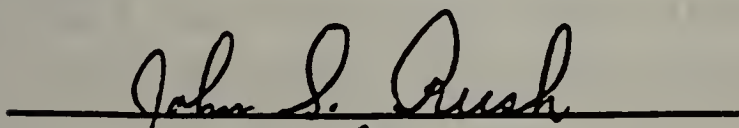

Hartnell J. Bartlett, Vice Chairman



Paul F. Lewis, Clerk


Ernest P. Doucette


Richard P. Murphy

ATTEST:


Countable of No Reading. 9-10-87
- 61 -

A TRUE COPY ATTEST:

BETTY J. VOLO, Town Clerk
NORTH READING, MA 01364



TOWN CLERK

OFFICER'S RETURN OF SERVICE

TOWN HALL
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TELEPHONE (617) 264-9615

March 23, 1987

Middlesex: ss.

I have served the Annual Town Meeting warrant by posting an attested copy of the same at six of the public places of said town fourteen days before the time of holding such meeting as within directed.

Robert F. Baker

Constable

Warrants posted in the six places as follows:

Nagog Woods Post Office, Town Hall, West Acton Post Office, Center Post Office, D.P.W. Building, South Acton Fire Station; and the following other places, Center Library, West Acton Fire Station, Idylwilde Farms and the Police Station.

Legal notices

TOWN OF DARTMOUTH PLANNING BOARD

Notice is hereby given under MGL, Chapter 40A, (The Zoning Act), Section 5, of a PUBLIC HEARING to be held at 7:00 p.m. on Monday, May 11, 1987 in conference room #315 of the Town Office Building, 400 Slocum Road, Dartmouth, MA. The subject of the public hearing will be the following proposed amendments to the Zoning By-Laws:

ARTICLE 24

ARTICLE A will amend Section 5 (Off-Street Parking Plan Regulations) by extending the deadline for Planning Board action from 40 days to 50 days; and the maximum period of action from 60 days to 70 days.

ARTICLE 23

ARTICLE B will amend Section 9 (Yards) of the Zoning By-Laws by adding the list of already approved Scenic Roads into the Zoning By-Law for reference.

The actual proposed wording of the above two articles are on file in the Office of the Planning Board (Room 14), Town Office Building, Russells Mills Road, Dartmouth, MA and may be seen upon request during regular business hours.

Dr. John Swanson, Chairman
Dartmouth Planning Board
April 22, 1987

June 26, 1987

To Whom It May Concern:

I, Betty M. Best, Town Clerk of the Town of Dartmouth, hereby certify that this is a true and exact photo-copy of the legal advertisement that appeared in the Chronicle published in Dartmouth on April 22 and April 29, 1987.

Attest:

Betty M. Best

Betty M. Best
Town Clerk

